

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

DARRYL HOLLAND,

Plaintiff,

-vs-

GLENN S. GOORD, *et al.*,

Defendants.

DECISION and ORDER

05-CV-6295-CJS-MWP

Siragusa, J. The Court referred this case on November 19, 2007, to U.S. Magistrate Judge Marion W. Payson pursuant to 28 U.S.C. § 636(b)(1). On February 25, 2010, Defendants moved (Docket No. 63) to amend their answer to include an affirmative defense. On August 17, 2010, Judge Payson filed a Report and Recommendation recommending that the Court deny Defendants' motion. On August 19, 2010, Defendants filed objections and Plaintiff filed its reply to Defendants' objections on August 30, 2010.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a *de novo* determination of those portions of the Report and Recommendation to which objections have been made. Upon a *de novo* review of the Report and Recommendation, and after reviewing the submissions of the parties, the Court accepts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Judge Payson's Report and Recommendation, Defendants' motion to amend (Docket No. 63) their answer is denied.

IT IS SO ORDERED.

Dated: October 7, 2010
Rochester, New York

ENTER:

/s/ Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge